

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOHN G. PEDICINI, :
:
Plaintiff, :
:
v. : Case No. 04-12395-JLT
UNITED STATES OF AMERICA, et al.,:
:
Defendants. :
:
:

**DEFENDANTS' MOTION TO PRESENT JOHN GHIORZI
AT TRIAL VIA DEPOSITION OR DEPOSITION TRANSCRIPT**

Pursuant to Fed. R. Civ. P. 32(a)(3)(C), Defendants are submitting this request to have the testimony of John Ghiorzi presented at trial via deposition or deposition transcript.¹ As reasons therefor, Defendants state that Mr. Ghiorzi has a documented medical condition, the manifestation of which affects him physically. Additionally, Mr. Ghiorzi is the primary caretaker of his mother-in-law, who recently suffered a severe stroke and heart attack.

Defendants will provide the Court with medical documentation in support of the claims herein upon the Court's request.

¹ This request was not a part of our Fed. R. Civ. P. 26(a)(3) disclosure because Defendants learned this information subsequent to our filing.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

BY: /s/ Gina Walcott-Torres
GINA WALCOTT-TORRES
Assistant U.S. Attorney
John Joseph Moakley U.S. Courthouse
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Dated: July 30, 2007

CERTIFICATE OF SERVICE

I certify that on July 30, 2007, I caused a copy of the foregoing document to be served on *pro se* Plaintiff, John G. Pedicini, 10 Milano Drive, Saugus, MA 01906, by first class mail, postage pre-paid.

/s/ Gina Walcott-Torres
GINA WALCOTT-TORRES
Assistant U.S. Attorney

CERTIFICATE OF COMPLIANCE WITH LOC. R. 7.1(A)(2)

I certify that I have complied with the requirements of Loc. R. 7.1(A)(2).

/s/ Gina Walcott-Torres
GINA WALCOTT-TORRES
Assistant U.S. Attorney